

REMARKS/ARGUMENTS

Claims 1-9 and 11-12 are pending in the application. The claims have been amended as supported by the specification and Figures. No new matter has been added. Favorable consideration is requested.

At the outset, applicant is pleased to note that the Examiner has accepted the drawings. Applicant is also pleased to note that the Examiner has withdrawn the rejections citing the Petronio reference. For at least the following reasons, applicant submits that the other rejections should be withdrawn.

Claims 1-7, 9, 11 and 12 stand rejected as allegedly being anticipated by Kaski (USP 4,974,398). The Examiner previously cited this reference against the hind posture gaiter claims, not the fore posture gaiter claims. Now, the Examiner is citing Kaski against all of the claims. Respectfully stated, this is incorrect. Kaski clearly discloses that its gaiter is a “weight strap” that is used on the hind leg of a horse “substantially above the fetlock and below the knee or hock.” Moreover, the Kaski weight strap discloses that the weights are centered in the middle of the gaiter. In order to address this rejection, and some of the other rejections below, applicant has amended the claims as set forth above. For claim 1, the “above-a-knee” limitation should clearly distinguish over Kaski -- aside from the fact that Kaski does not disclose any “fore posture” gaiter. With respect to independent claim 4, the claim phrase that states the “weight is completely disposed in an upper half portion of the gaiter” clearly distinguishes over anything disclosed in Kaski. For at least these reasons, the anticipation rejection should be withdrawn.

Claim 8 stands rejected as allegedly being obvious over Kaski in view of Williams (USP 737,186). In order to eliminate this rejection, applicant has amended claim 8 by essentially

incorporating the subject matter of claim 1 into claim 8. This amendment clearly eliminates the obviousness rejection because Kaski simply discloses a hind leg gaiter that is used below the hock and Williams simply discloses a middle weight gaiter used on a fore leg and that gaiter goes both above and below the hock. As a result, the rejection should be withdrawn.

Claims 4-7, 9, 11 and 12 stand rejected as allegedly being obvious over Kaski in view of Cook (USP 6,554,752). Surprisingly, the Examiner has cited Cook despite the fact that it simply discloses human vests, hand wraps, wrist wraps and other devices used by humans. Applicant respectfully believes that the Examiner's rejection is flawed because he argues that a person of ordinary skill in the art would have modified Kaski to rearrange the weight as taught by Cook. However, this type of combination runs contrary to the teachings of Kaski because Kaski teaches that the weights are evenly displaced in the middle of the gaiter, and Kaski provides no teaching whatsoever that someone would move the weights to the upper or lower portions of the gaiter – which, indeed, would unbalance the Kaski device. Moreover, one skilled in the horse field would not look to the human devices such as weight vests, wrist wraps and other devices in Cook, then modify Kaski in some fashion, and somehow arrive at the claimed invention. For at least these reasons, the rejection should be withdrawn.

In view of the foregoing amendments and remarks, applicant submits that this application is in condition for allowance. A notice to that effect is earnestly solicited.

If the Examiner has any questions concerning this case, the undersigned may be contacted at 703-786-7421.

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Appl. No. 10/574,830

Respectfully submitted,

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